

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARQUISE WILLIAMS,

Plaintiff,

-against-

MARQUIS SMITH,

Defendant.

7:22-CV-6482 (CS)

ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

By Order dated August 20, 2022, (ECF No. 11), I ordered the Marshals Service to effect service on Defendant Marquis Smith. I further ordered that “[i]f the complaint is not served on Defendant Smith within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service.” *Id.* at 2 (citing *Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service)). I further ordered that “Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.” *Id.*

The Marshals have advised that they were unable to serve Defendant Smith. (ECF No. 14.) Plaintiff did not request an extension of time for service. Nor did he keep the Court apprised of his address, as the address on the docket is at Collins Correctional Facility, but the New York State Department of Corrections and Community Supervision website lists Plaintiff as currently housed at Mohawk Correction Facility. Given these failures and the amount of time that has passed without any communication from Plaintiff, the Court is unsure whether Plaintiff wishes to pursue this matter.


No later than June 19, 2024, Plaintiff Marquise Williams shall advise the Court, in writing, as to whether he wishes to pursue this case, and if so, why he did not request an

extension of time for service or provide a current address. Failure to respond, or to respond adequately, may result in dismissal pursuant to Federal Rules of Civil Procedure 16(f)(1)(C) and/or 41(b).

The Clerk of Court is respectfully directed to send a copy of this order to Marquise Williams, DIN # 21-A-0506, at: 1) the address on the docket; and 2) Mohawk Correctional Facility, 6514 Route 26, P.O. Box 8451, Rome, NY 13442.

SO ORDERED.

Dated: May 20, 2024
White Plains, New York


CATHY SEIBEL
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Correction Officer Marquis Smith
Westchester County Jail
P.O. Box 10
10 Woods Road
Valhalla, New York 10595